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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) SC11342ZP	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office.		Application Number 10/614,553	Filed 07/07/2003
on <u>January 31, 2006</u>		First Named Inventor Edouard D. DeFresart	
Signature <u>Dora Hudgins</u>		Art Unit 2823	Examiner Trung Q. Dang
Typed or printed name <u>Dora Hudgins</u>			
<p>Applicants request review of the final rejection in the above identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,711</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted</p>			

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APPLICANT(S): Edouard D. DeFresart, et al. GROUP ART UNIT: 2823  
APPLN. NO.: 10/614,553 EXAMINER: Trung Q. Dang  
FILED: July 7, 2003  
TITLE: SEMICONDUCTOR COMPONENT AND METHOD OF MANUFACTURING

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**STATEMENT FOR PRE-APPEAL BRIEF REQUEST**

Applicant's wish to address two issues for this pre-appeal brief conference.

- 1) Is claim 34 non obvious over Tung, U.S. Pat. No. 6,110,803 (Tung) in view of Kitamura et al., U.S. Pat. No. 5,844,275 (Kitamura).
- 2) Is claim 51 non obvious over Tung in view of Kitamura.

Both of these issues were addressed in the Response to Final Office Action dated December 13, 2005. Applications incorporate by reference the comments of that Response in this paper and will not repeat them here. Accordingly, Applicants respectfully request the participants of this conference read that Response.

**1) Claim 34 is non obvious over Tung and Kitamura**

Claim 34 recites at least a portion of the electrically floating region is located laterally with respect to the non-electrically conductive region, and at least a portion of the electrically floating region is located underneath the non-electrically conductive region.

As seen from the above claim, claim 34 recites that the electrically floating region include a portion that is located laterally with respect to the non-electrically conductive region and a portion that is located underneath the non-electrically conductive region.

The Final Office Action has identified region 228 of Tung as the non-electrically conductive region. The Final Office Action further has identified the left most region 219 of Tung as being both the electrically floating region underneath region 228 and the electrically floating region located laterally to region 228.

As is shown in Figure 2F of Tung, region 219 is only located underneath region 228. It is not located laterally with respect to region 228. Accordingly region 219 can not read on the electrically floating region that includes a portion that is located laterally with respect to the non-electrically conductive region, as recited in claim 34.

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*Definition of laterally located*

The main point of contention between Applicants and the position set forth in the Office Actions is what is the definition of "laterally located."

One of ordinary skill in the art would not interpret claim 34 such that a region that is located underneath the non-electrically conductive region could be considered as being both located underneath the region as well as located laterally with respect to the region. One of ordinary skill in the art would not consider a region located underneath a non-electrically conductive region as being located laterally to the non-electrically conductive region.

The Advisory Action of January 18, 2006 as well as the Final Office Action dated October 31, 2005 sets forth the contention that the term "located laterally" in claim 34 means that a region can be located above or below the non-electrically conductive region. The Advisory Action cites a Random House dictionary definition as support for its contention that laterally located with respect to an object can mean located underneath an object. More specifically, the Advisory Action states that "nothing in the definition of the Random House has indication that the term 'lateral' is not directed to the top or bottom of an object." The Advisory Action cites the Random House definition as "of or pertaining to the side"; "situated at, proceeding from, or directed to the side."

Applicants respectfully submit that the above contention that "laterally located" can read on a region located above or below the non-electrically conductive region is incorrect and unreasonable. Applicants respectfully submit that one of skill in the art would not read the above cited Random House definition as supporting the contention that lateral refers to the top or bottom of an object. In contrast, the cited Random House dictionary definition clearly indicates that lateral refers to the side of an object (e.g. left, right, front or back), and not the top or bottom of the object. By using the adjective "the" in referring to "object", the cited Random house definition implies that its not directed to the top or bottom of the object, but rather to the side.

See also, for example, the definition of lateral from *WordNet* ® 2.0, © 2003 Princeton University: "situated at or extending to the side; "the lateral branches of a tree"; "shot out sidelong boughs"- Tennyson [syn: sidelong]" These definitions clearly imply that laterally located refers to the side of an object, and not the top or bottom of an object.

Furthermore, Applicants take special note of other uses of the term "lateral" in every day usage. For example, a "lateral job move" typically refers to a move to a position from a position at the same level in an organization. It does not refer to a move to a position that is above the previous position or below the previous position. See the American Heritage Dictionary, 4<sup>th</sup> Edition where it states "Of or constituting a change within an organization or a hierarchy to a position at a similar level, as in salary or responsibility, to the one being left: *made a lateral move within the company.*"

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The term lateral is also used in the medical field to distinguish a location to the side as opposed to above or below. For example, *The American Heritage® Stedman's Medical Dictionary Copyright © 2002, 2001, 1995* which gives the following definitions for lateral "Situating or extending away from the median plane of the body," and "Relating to the left or right lateral region of the abdomen."

The above definitions and uses of the term "lateral" further demonstrate that its meaning relates to a direction to the side of an object (e.g. left, right) and not to the top or bottom of an object. None of the examples given in the dictionary definitions cites "lateral" as referring to the top or bottom of an object.

Thus, one of ordinary skill in the art would not interpret "located laterally" as reading on an object located above or below another, even under the broadest *reasonable* interpretation.

Accordingly, because region 219 of Tung is located only underneath region 228 and not to the side (e.g. left, right, front, back) of region 228, one of skill in the art would not consider region 219 to be laterally located with respect to region 228.

#### **Claim 51 is non obvious over Tung and Kitamura**

Tung and Kitamura, either alone or in combination do not disclose or suggest at least a portion of the electrically floating region is located between the non-electrically conductive region and the drain region, all as recited by claim 51.

Page 4 of the Final Office Action identifies region 244 of Tung as a drain region. Furthermore, page 4 of the Office Action states that the right most floating region 219 is located between region 228 and drain region 244.

Applicants respectfully submit that the right most floating region 219 is not located between region 228 and region 244 of Tung. See Figure 2F of Tung showing that the right most floating region 219 is not located between region 228 and region 244. Referring to Figure 2f of Tung, there is no object located between region 228 and region 244 of Tung (they are contiguous in the view of Figure 2F). Accordingly, claim 51 is allowable over Tung and Kitamura.

If there are any issues that could be discussed to dispose of this matter, the Examiner is respectfully requested to contact the undersigned at (512) 996-6839.